

- VI. Claims 79-81, 92-93, 110-111, 122-129, 138-142, 153-156, and 163-164, which are drawn to a biomolecular probe;
- VII. Claims 94-105, 112-116, 143-148, 149-152, and 165-166, which are drawn to a unimolecular probe;
- VIII. Claims 118-121, and 136-137, which are drawn to a trimolecular probe;
- IX. Claims 167, 168, 173, 178, 179, 180, 185, 211, 212, and 217, which are drawn to an assay for detection using an affinity probe;
- X. Claims 169, 174, 178, 179, 181, 186, 213, and 218, which are drawn to an assay for detection using a cleavage probe;
- XI. Claims 170, 175, 178, 179, 182, 185, 214, and 219, which are drawn to an assay for detection using a type I coupling probe;
- XII. Claims 172, 177, 178-179, 184, 188, 215-216, and 220-221, which are drawn to an assay for detection using a type II coupling probe;
- XIII. Claims 189-194 and 198, which are drawn to an assay for detection using a bimolecular probe;
- XIV. Claims 197 and 201-210, which are drawn to an assay for detection using a unimolecular probe;
- XV. Claim 199, which are drawn to an assay for detection using a trimolecular probe.

In response to the restriction requirement set forth in the Office Action mailed June 29, 2006, Applicants hereby provisionally elect the invention of Group 1, claims 5-9 and 58-61 for continued examination. The Examiner further requires election of a species selected from the those listed as probe ligands in claim 9, which include chemical ligands, antigens, antibodies,

antibody fragments, enzymes, substrates of enzymes, inhibitors of enzymes, hormones, antibiotics, narcotics, toxins, polypeptides, proteins, protein fragments, glycoproteins, phospholipids, polysaccharides, nucleic acids, and peptide nucleic acids. Applicants provisionally elect chemical ligands, as exemplified by biotin.

Applicants respectfully traverse the requirements for restriction and election, and submit that the requirements are improper as applied to Groups II-VIII(i). Applicants note that the group designator "Group VIII" appears twice in the Office action.

First, Applicants asserts that the subject matter of these groups represent different embodiments of a single inventive concept for which a single patent should issue. The pending claims represent an intricate web of knowledge, continuity of effort, and consequences of a single invention, which merit examination of all of these claims in a single application.

More particularly, a single, searchable, unifying aspect links all of the claims. This single, searchable, unifying aspect comprises an affinity probe that includes a probe ligand.

Second, Applicants submit that a sufficient search and examination with respect to the subject matter of all claims can be made without serious burden. As the M.P.E.P. states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.


M.P.E.P. § 803 (8th ed., Rev. No. 2, May 2004).

That is, even if the above-enumerated groups of claims are drawn to distinct inventions, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden. This is especially true given that all the groups of claims share the same class (e.g., class 536), and given the robust and extensive computerized search engines and databases at the Examiner's disposal. Accordingly, it is respectfully requested that the restriction requirement be reconsidered and the elected claims of Group I be rejoined with those of Groups II-VIII(i), so that claims 5-81, 92-105, 110-116, 122-129, 136-156, and 163-166 may be presently examined. Applicants expect that upon a finding of allowable subject matter with elected Group I the Examiner will at least rejoin the assay of Group IX.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. . 04-1105.

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Respectfully submitted,

By 

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